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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,473	03/01/2004	Juergen Bieber	Q79410	9022
23373	7590	08/10/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CHANG, SUNRAY	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,473

Applicant(s)

BIEBER, JUERGEN

Examiner

Sunray Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20041230, 20040301.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 15 are presented for examination.

Claims 1 – 15 are rejected.

Address Change

2. Receipt is acknowledged of “Correspondence Address Change” papers submitted on July 10th, 2006, which paper is been placed of record in the file.

Priority

3. Receipt is acknowledged of priority papers submitted on July 19th, 2004 under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on December 30th, 2004 and March 1st, 2004 have being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application

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filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 2, 5 – 7, 9 and 14 – 15 are rejected** under 35 U.S.C. 102(e) as being anticipated by Ki-soo Chang (U.S. P.G. Pub. No. 2004/0162027, and referred to as **Chang** hereinafter).

Regarding claims 1, 7 and 14 – 15, Chang teaches,

- A method of displaying a video signal on the display of a mobile display device, [a display as shown in Fig. 6, further see paragraph 0013 – 0022] comprising:
- transmitting a signal which identifies an installation part of an industrial installation by a transmitter of the installation part; [S410 send an Inquiry, Fig. 40]
- receiving the transmitted signal by a receiver of the mobile display device; [S415, receive inquiry response, Fig. 4]
- automatically relaying the received signal, or a transmission signal derived from the received signal, by the mobile display device to an analysis station; [S420 create and display a list of connectable devices, Fig. 4]
- the analysis station automatically transmitting information pertaining to the installation part to the mobile display device; [control unit, Fig. 6] and
- automatically displaying a video signal corresponding to the information pertaining to the installation part on the display of the mobile display device. [Fig. 4]

Regarding claims 2 and 9,

- the signal identifying the installation part comprises a radio signal, and the radio signal is transmitted as a constant pulsating signal. [Bluetooth, wireless; further official notice has been cited from Wikipedia by the examiner for explaining the short range radio frequency signal used in Bluetooth protocol is a constant pulsating signal].

Regarding claim 5,

- in the case of the reception of a plurality of different signals transmitted by transmitters of different installation parts, a selection video signal is automatically displayed on the display of the mobile display device and, on the basis of this selection video signal, an operator is able to select one of the installation parts from which the received signals originate, [Fig. 6] and the signal assigned to the selected installation part, or a transmission signal derived therefrom, is the first of the received signals that is relayed to the analysis station. [S430, Fig. 4 establish a connection to the selected device]

Regarding claim 6,

- an analysis station pertaining to the installation part transmitting the signal is determined in the mobile display device on the basis of the received signal, and the received signal, or a transmission signal derived from the received signal, is relayed to the analysis station thus determined. [S415, Fig. 4, receive inquiry response create and display a list of connectable devices]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 3 and 10 – 11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Chang** and in view of Masahiro Tada et al. (U.S. P.G. Pub. No. 2002/0147003 and referred to as **Tada** hereinafter).

(**Chang** as set forth above generally discloses the basic inventions.)

Regarding dependent claims 3 and 10 – 11,

Chang teaches the signal identifying the installation part comprises a radio signal.

[Bluetooth, wireless]

Chang does not teach transmitting only when there is a problem in the installation part.

Tada teaches transmitting only when there is a problem in the installation part [has a link disconnected ... confirm disconnection of a link, Fig. 10 S111 – S115; transferring the service

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information from the temporary memory to the service memory when the radio communication connection with target communication terminal has been disconnected, 0014 – 0015], for the purpose of disconnection judging process of a radio link [0030].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Chang** to include “transmitting only when there is a problem in the installation part”, for the purpose of disconnection judging process of a radio link [0030].

7. **Claims 4 and 12 – 13 are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Chang** and in view of Robert Bruce Ganton (U.S. Patent. No. 6,973,335 and referred to as **Ganton** hereinafter).

Regarding dependent claims 4 and 12 – 13,

Chang teaches the reception of a plurality of different signals [Fig. 1].

Chang does not teach automatically assigns a different priority to each of the received signals.

Ganton teaches automatically assigns a different priority to each of the received signals [determine the priority, modifying the link state, Abstract and Col. 3, lines 33 – 45], for the purpose of Optimization [Abstract].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Chang** to include "automatically assigns a different priority to each of the received signals", for the purpose of Optimization [Abstract].

8. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over **Chang** and in view of Joseph Thomas O'Neil (U.S. Patent. No. 6,973,333 and referred to as **O'Neil** hereinafter).

Regarding dependent claim 8,

Chang teaches the signal identifying the installation part. [S410 send an Inquiry, Fig. 40]

Chang does not teach a location identifier that contains information regarding the location of the installation part in the industrial installation.

O'Neil teaches a location identifier that contains information regarding the location of the part [identifying the location within a vehicle from which particular attempts at cell phone., Col. 15, lines 41 – 58], for the purpose of identifying the location [Col. 15, line 41].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Chang** to include "a location identifier that contains information regarding the location of the part", for the purpose of identifying the location [Col. 15, line 41].

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Anthony Knight
Supervisory Primary Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

Ramesh Patel
RAMESH PATEL
PRIMARY EXAMINER 8/6/06
For Anthony Knight

August 5, 2006